

ORDINANCE NO. _____, SERIES 2007

**AN ORDINANCE REENACTING AND AMENDING CHAPTER 158 OF
THE LOUISVILLE METRO CODE OF ORDINANCES (LMCO)
RELATING TO THE LOUISVILLE/JEFFERSON COUNTY
ENVIRONMENTAL TRUST.**

Sponsored By: Councilmen Downard and Blackwell

**BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS
FOLLOWS:**

SECTION I: LMCO Chapter 158 shall be reenacted and amended as follows:

§ 158.01 ESTABLISHMENT OF TRUST.

(A) There is hereby established the Louisville/Jefferson County Environmental Trust (Trust). Said Trust shall be a program of Metro Government devoted to the development, execution, and promotion of voluntary conservation and preservation strategies for the purpose of enhancing the Metro Government's ability to implement the open space and cultural heritage goals and objectives of the Comprehensive Plan of Louisville and Jefferson County.

(B) The Metro Government shall be the holder of any and all real property interests associated with such voluntary conservation and preservation strategies provided holding any such property interest is within the scope of its powers as delineated in KRS Chapter 67 and, for purposes of conservation easements, it meets the definition of "holder" as found in KRS 382.800.

(C) The Mayor shall have management authority over the Trust operation and staff

§ 158.02 TRUST OVERSIGHT BOARD.

(A) A Trust Oversight Board (Board) shall set policies for the Trust, including, but not limited to, acquisition and stewardship policies, to ensure sound standards and

practices in conducting Trust affairs, establish criteria for selecting projects based on the goals and objectives of the Comprehensive Plan of Louisville and Jefferson County and its technical support documents, provide technical expertise, assist with educational program development, assist in the development of private fundraising strategies, and oversee the implementation of its policies. The Board shall review each project and, when appropriate based on such review, make recommendations to the Metro Council regarding acceptance of any pertinent real property interest. The Board shall make management and/or operational recommendations to the Mayor for purposes of encouraging successful implementation of its policies.

(B) The Board shall consist of nine members and shall include the Director of Metro Parks, Director of the Metropolitan Sewer District, Director of the Louisville Metro Department of Planning and Design Services, and Director of the Louisville/~~Jefferson County~~ Metro Department of Public Works and ~~Community Development~~ Assets, or their designates or successor positions. In addition, the Board shall consist of five residents of the metropolitan area initially appointed by the Mayor and approved by Metro Council with three of the initial members to be appointed, one from each District. Resident members shall serve three year staggered terms, with three initial members appointed, one from each District, serving initial three year terms; one resident member appointed serving an initial two year term; and one resident member appointed serving an initial one year term. Upon expiration of each initial resident member's term, the remaining Board members shall elect a successor at any regular meeting by a majority vote of the Board. The Board shall endeavor to elect resident members with the following characteristics: attorney with federal tax law and/or estate planning expertise,

a land resource specialist and/or environmental planning expert, and communication professional and/or environmental education professional. The Board shall ensure that at least one resident member from each District shall serve on the Board at all times.

(C) The Board shall conduct regular meetings as it deems necessary and shall keep the minutes and records of all proceedings, including the number of votes for and against each question. A simple majority of the total voting membership of the Board shall constitute a quorum for the transaction of business. A simple majority of the quorum shall constitute the voting power. The Board shall have the power to establish committees as it deems necessary, from both within and without its membership. The Board shall submit an annual report of its activities to the Metro Council.

(D) The Mayor shall initially designate one Board member to be Chairperson and one to be Vice-Chairperson, each for one year term. Upon the expiration of the initial terms, the Board members shall elect a successor Chairperson and Vice-Chairperson at the next regular meeting by a majority vote of the Board. With the exception of the initial terms, the Chairperson and Vice-Chairperson shall serve for two years or upon the expiration of their Board term, whichever comes first.

(E) The Mayor shall appoint, subject to Metro Council approval, a Director of the Trust to administer Trust activities and implement policies of the Board. The Mayor may assign other county personnel to serve as staff to the Trust as necessary to assure sound Trust standards and practices. The Director and staff shall be employees of Metro Government. The Mayor shall take under advisement any staffing concerns or needs recommended by the Board.

§ 158.98 SEVERABILITY.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

SECTION II: This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____
G: acb Ord. Reenacting LMCO 158 L/JCMO Environmental Trust

03.15.2007

